



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,271	07/12/2006	Roar Eide	593-6 PCT/US	6456
23869 7590 02/23/2009 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				
EXAMINER				
NGUYEN, CHI Q				
ART UNIT		PAPER NUMBER		
3635				
MAIL DATE		DELIVERY MODE		
02/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,271

Applicant(s)

EIDE ET AL.

Examiner

CHI Q. NGUYEN

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14, 16-18 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 11, 13, 15, 19 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to applicant's patent application filed on 7/12/2006.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/15/2005 is being considered by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first base point (101), the second base point (102) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: in line 4 of page 1, a phrase "organsation" should be read as --organization--. And on page 2, line 2; a phrase "pressurisation" should read as --pressurization--and a phrase "und" is believe to be typo error.

Appropriate correction is required.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claims 1-28 are objected to because of the following informalities: applicant is advised to replace a phrase "characterised" for --comprised--for all the claims. And the applicant is also advised not to use a pronoun terminology (e.g. them; their, they, whose) in the claims. Appropriate correction is required.

Claim 7 is objected to because of there is more than one ending period in the claim. Correction is required.

Claim 21 is objected to because "aluminium" should read --aluminum--.
Correction is required.

Claim 28 is objected to because the citation phrase "forms an rears" should read --form a rear--. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the stretched state of said at least two wall membranes due to the tension acting on them" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claim 16, the recited limitation "in that two wall membranes" should read --in that two said wall membranes--. Correction is required.

Regarding claim 20, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12, 14, 16-18 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over France Pat. No. 2117339 in view of EP 0596807.

Claims 1, 5, 12, 14, 16, 18, 23-28:

FR Pat. No. discloses in Figs. 1-3, a membrane wall element for erecting a tent or hall construction, having at least two wall membranes (3) and clamping devices (2), said at least two wall membranes (3) being stretchable by means of said clamping devices (2); wherein said at least two wall membranes (3) are joined with each other at respective end sections that face each other (Fig. 1); wherein an inner wall membrane and an outer wall membrane are provided with an intermediate wall membrane (no numbered but shown as dot lines in between the two wall membranes) extending in between, said inner wall membrane.

The FP '339 discloses the claimed invention as stated but does not disclose a spacer being spaceable from one another in such a way that a cavity is formed between said at least two wall membranes. EP '807 discloses in Fig. 26 a plurality of spacers 330 in

between two wall membranes 320. In view of EP '807, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide FR 7143409 a plurality of spacers in order to prevent the wall membranes collapse thus keep the wall erecting in place.

Claim 2:

Wherein said at least two wall membranes (3) are made of tent canvas (Fig. 1).

Claim 3:

Wherein said at least two wall membranes (3) are secured within said clamping devices (2) at two end sections facing each other.

Claim 4:

Wherein said clamping devices (2) are formed by section bars (2a, 2a).

Claim 6:

Wherein further comprises a keder rope (9) is provided edgewise at said joined end sections (see Figs. 1-2 and 9).

Claim 7:

Wherein said section bars (2a) have undercut longitudinal channels (7) into which said keder ropes (9) of said joined wall membranes are pullable (Fig. 3).

Claim 8:

Wherein said section bars (2a) have cover strips (8) and longitudinal channels (7) into which said keder ropes (9) of said joined wall membranes are placeable, and in that said longitudinal channels are sealable by said cover strips so that said keder ropes are secured within said section bars.

Claim 9:

Wherein a stretching device having stretcher rods (20) is provided between said section bars via which said wall membranes secured within said section bars can be stretched apart.

Claim 10:

Wherein said stretching device (20) is actuatable via a toggle lever device (no numbered but shown in Figs. 1-2) whose drive spindle for actuating two toggle levers is oriented transversally to the longitudinal axis of said stretcher rods.

Claim 17:

Wherein said wall membranes are connected in a sealed manner with each other at those parts that extend along all membrane end regions, and in that venting devices are provided to allow air to enter said cavities when the wall element is being put up (Fig. 1).

Claims 20-22:

The FR '339 in view of EP '807, disclose the claimed invention as stated but do not disclose expressly wherein said wall membranes are made of a material which is tight against war gases; wherein said intermediate wall membrane is coated with aluminum or another suitable material in order to achieve heat reflection and/or possibly also shielding against electromagnetic radiation and wherein said inner wall membrane is made of an easy-to-clean material. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made to have a desirable material for its desirable application. Furthermore, applicant has not disclosed the criticality of this feature.

Allowable Subject Matter

Claims 11, 13, 15 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./
Examiner, Art Unit 3635

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635